

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ANDREW PAUL ROSHONE,

2:11-CV-01331-PK

Plaintiff,

ORDER

v.

LT. JOST, SGT. MOURA,
C/O BARTON, C/O ESTRADA,
C/O OLIVE, and C/O JOHN DOE
in their official and
individual capacities,

Defendants.

BROWN, Judge.

Magistrate Judge Paul Papak issued Findings and Recommendation (#79) on September 4, 2013, in which he recommends this Court grant in part and deny in part Defendants' Motion (#52) for Summary Judgment, dismiss Plaintiff's claims against

Defendant John Doe with prejudice, and dismiss Claim III without prejudice. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. See also *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*). Having reviewed the legal principles *de novo*, the Court does not find any error.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Papak's Findings and Recommendation (#79). Accordingly, the Court **GRANTS in part** and **DENIES in part** Defendants' Motion (#52) for Summary Judgment consistent with the Magistrate Judge's Findings and Recommendation, **DISMISSES** Plaintiff's claims against Defendant John Doe **with prejudice**, and **DISMISSES** Claim III **without prejudice**.

IT IS SO ORDERED.

DATED this 23rd day of October, 2013.



ANNA J. BROWN
United States District Judge